

Minutes of the Regular meeting of the Syracuse City Council held on September 9, 2014, at 7:06 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Brian Duncan  
Mike Gailey  
Craig A. Johnson  
Karianne Lisonbee  
Douglas Peterson

Mayor Terry Palmer  
City Manager Brody Bovero  
City Recorder Cassie Z. Brown

City Employees Present:

Finance Director Steve Marshall  
Public Works Director Robert Whiteley  
City Attorney Clint Drake  
Fire Chief Eric Froerer  
Police Chief Garret Atkin  
Parks and Recreation Director Kresta Robinson  
Community Development Director Sherrie Christensen

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1. Meeting Called to Order/Adopt Agenda

Mayor Palmer called the meeting to order at 7:06 p.m. as a regularly scheduled meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember. Councilmember Gailey provided an invocation. Councilmember Johnson then led all present in the Pledge of Allegiance.

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COUNCILMEMBER LISONBEE MOVED TO ADOPT THE AGENDA. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

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2. Presentation of the Syracuse City and Wendy's "Award for Excellence" To Whitnee Ritter and Alex Christensen.

The City wishes to recognize citizens who strive for excellence in athletics, academics, arts and/or community service. To that end, in an effort to recognize students and individuals residing in the City, the Community and Economic Development, in conjunction with Jeff Gibson, present the recipients for the "Syracuse City & Wendy's Award for Excellence". This monthly award recognizes the outstanding performance of a male and female who excel in athletics, academics, arts, and/or community service. The monthly award recipients will each receive a certificate and be recognized at a City Council meeting; have their photograph placed at City Hall and the Community Center; be written about in the City Newsletter, City's Facebook and Twitter Feed, and City's website; be featured on the Wendy's product television; and receive a \$10 gift certificate to Wendy's.

Mayor Palmer noted both teens receiving the award for September 2014 were nominated by Syracuse High School staff.

Whitnee Ritter

Whitnee is a cheerleader at Syracuse High School. She is an outstanding student and individual. She was a big support for her fellow students during their loss of friend and fellow cheerleader, Marli Hamblin. She helped with the fundraiser "Miracle for Marli". They created wristbands and sold them to help raise money for her family. She was chosen for her actions and service.

Alex Christensen

Whitnee is a cheerleader at Syracuse High School. She is an outstanding student and individual. She was a big support for her fellow students during their loss of friend and fellow cheerleader, Marli Hamblin. She helped with the fundraiser "Miracle for Marli". They created wristbands and sold them to help raise money for her family. She was chosen for her actions and service.

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3. Approval of Minutes:

The following minutes were reviewed by the City Council: Regular Meeting of August 12, 2014 and Special Meeting of August 26, 2014.

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COUNCILMEMBER LISONBEE MADE A MOTION TO APPROVE THE MINUTES LISTED ON THE AGENDA. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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4. Public Comments

There were no public comments.

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5a. Common Consent: Proposed Resolution R14-32 appointing members to the Arts Council.

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A staff memo explained Arts Council leadership has requested that Taleen Erickson and Trachelle Hilton-King be appointed to the board to replace Sam Porter and Becky Starr, respectively. Syracuse City Code Title Three provides a process for appointing members of the Arts Council.

COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT PROPOSED RESOLUTION R14-32 APPOINTING MEMBERS TO THE ARTS COUNCIL. COUNCILMEMBER GAILEY SECONDED THE MOTION; ALL VOTED IN FAVOR.

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5b. Common Consent: Authorize Administration to execute engineering services agreement for 3000 West Engineering Design project.

A staff memo from Public Works Director Whiteley explained Syracuse City has \$3,144,150 grant available in UDOT's Transportation Investment Fund for the design and construction of 3000 West Street Project (between 200 South and Bluff Road). A local match of 10% is required, which has already been programmed in the current budget. Due to the magnitude of design required for this project, the city sent out a request for proposals for engineering design. Three proposals were received and opened on August 25, 2014 for review and evaluation. Evaluation factors included: price, quality, experience, schedule, and references. Highest ranking for the total of all evaluation factors is JUB. The memo concluded staff recommends that JUB is awarded the contract for engineering design of 3000 West.

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COUNCILMEMBER LISONBEE MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE ENGINEERING SERVICES AGREEMENT FOR 3000 WEST ENGINEERING DESIGN PROJECT. COUNCILMEMBER GAILEY SECONDED THE MOTION.

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6. Proposed Resolution R14-34 adopting the Syracuse City Emergency Operations Plan.

A memo from the Fire Chief explained over the past several months the Department Heads, City Manager and Mayor have been reviewing and revising our Emergency Operations Plan. The full plan in draft is very comprehensive, and has been reviewed by the City Council over the course of two work session meetings. Staff is ready to recommend final approval of the plan via the adoption of Proposed Resolution R14-34.

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COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT PROPOSED RESOLUTION R14-34 ADOPTING THE SYRACUSE CITY EMERGENCY OPERATIONS PLAN. COUNCILMEMBER JOHNSON SECONDED THE MOTION.

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Councilmember Lisonbee thanked Chief Froerer for listening to the feedback of the City Council and amending the EOP

accordingly. Councilmember Johnson added the plan is well thought out and needed in the community to ensure the City has the ability to respond in emergency situations. Councilmember Gailey stated the EOP is a great improvement and Chief Froerer has helped to elevate the standard of the Fire Department.

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Mayor Palmer added it has taken a significant amount of time for Chief Froerer to work on proposed modifications to the plan and he thanked him for that work; he believes the City is far more prepared to respond to an emergency than at any time in the past.

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Mayor Palmer stated there has been a motion and second regarding the EOP and he called for a vote; ALL VOTED IN FAVOR.

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7. Proposed Resolution R14-33, General Plan Amendment, Requested by City Council to amend following location: portions of properties owned by GOR and CWR, LLC and Mark S. Johnson – Trustee, at approximately 2000 West 2700 South, from PRD (Planned Residential Development) and PO (Professional Office) to R-1 Residential.

A memo from Community and Economic Development Director Christensen explained the current General Plan designates several areas throughout the City with a PRD designation. The City Council has requested the Planning Commission review the appropriateness of the locations of these currently designated PRD zones and consider amendment to the General Plan if the areas are deemed inappropriate. The Planning Commission recommends approval to the City Council for the General Plan Amendments for the following: portions of properties owned by GOR & CWR, LLC and Mark S. Johnson-Trustee, at approximately 2000 W. 2700 S., from PRD (Planned Residential Development) and PO (Professional Office) to R-1 Residential, subject to all applicable requirements of the City's municipal codes.

Ms. Christensen reviewed her staff memo.

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COUNCILMEMBER JOHNSON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R14-33, GENERAL PLAN AMENDMENT REQUESTED BY CITY COUNCIL TO AMEND FOLLOWING LOCATIONS: PORTIONS OF PROPERTIES OWNED BY GOR AND CWR, LLC AND MARK S. JOHNSON TRUSTEE, AT APPROXIMATELY 2000 WEST 2700 SOUTH, FROM PRD (PLANNED UNIT RESIDENTIAL DEVELOPMENT) AND PO (PROFESSIONAL OFFICE) TO R-1 RESIDENTIAL. COUNCILMEMBER DUNCAN SECONDED THE MOTION.

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Councilmember Duncan stated he feels the proposed amendment is consistent with the overall theme of the General Plan. Councilmembers Johnson and Lisonbee agreed. Councilmember Peterson stated he feels this item and the next two have been properly vetted and are appropriate at this time.

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Mayor Palmer stated there has been a motion and second to approve the General Plan Amendment and he called for a vote; ALL VOTED IN FAVOR.

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8. Proposed Ordinance 14-21, Rezone from A-1 to R-1 Residential, Cook Quarters, Sarah and Steven Cook, property located at approximately 2600 West 700 South.

A memo from Community and Economic Development Director Christensen explained this property is a one acre vacant lot on 700 S. Mr. & Mrs. Cook wish to rezone the property to conform with the General Plan and then subdivide the property into two residential lots. City staff has reviewed the application and finds that it is consistent with the City's General plan and that it is harmonious with the overall character of the surrounding development with no adverse effects, and it has adequate facilities to serve the property. The Planning Commission held a public hearing on August 16, 2014 for rezone request on the above noted property. The property is 0.96 acres in size and is currently zoned A-1 Agriculture with a General Plan designation of R-1 Residential. The proposed zone change is in accord with the General Plan as amended. The Syracuse City Planning Commission hereby recommends that the City Council approve the rezone request; located at approx. 2600 W. 700 S., change from A-1

Agriculture to R-1 Residential.

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COUNCILMEMBER DUNCAN MADE A MOTION TO ADOPT PROPOSED ORDINANCE 14-21, REZONE FROM A-1 TO R-1 RESIDENTIAL, COOK QUARTERS, SARAH AND STEVEN COOK, PROPERTY LOCATED AT APPROXIMATELY 2600 W. 700 S. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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9. Proposed Ordinance 14-22 Rezone from A-1 to R-2 Residential, NS Group Holdings, LLC, property located at approximately 1525 West 2700 South.

A memo from Community and Economic Development Director Christensen explained This property is a 2.92 acre lot with a single family home on 2700 S. The property owner wishes to rezone the property to conform with the General Plan and then subdivide the property into six residential lots, including the existing home. City staff has reviewed the application and finds that it is consistent with the City's General plan and that it is harmonious with the overall character of the surrounding development with no adverse effects, and it has adequate facilities to serve the property. The Planning Commission held a public hearing on September 2, 2014 for rezone request on the above noted property. The property is 0.96 acres in size and is currently zoned A-1 Agriculture with a General Plan designation of R-2 Residential. The proposed zone change is in accord with the General Plan as amended. The Syracuse City Planning Commission hereby recommends that the City Council approve the rezone request; located at approx. 1525 W 2700 S, change from A-1 Agriculture to R-2 Residential.

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COUNCILMEMBER DUNCAN MADE A MOTION TO ADOPT PROPOSED ORDINANCE 14-22, REZONE FROM A-1 TO R-2 RESIDENTIAL, NS GROUP HOLDINGS, LLC, PROPERTY LOCATED AT APPROXIMATELY 1525 W. 2700 S.. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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10a. Public Hearing: Proposed Ordinance 14-18 amending an impact fee facilities plan and an impact fee analysis for Public Safety; providing for the calculation and collection of such fees; providing for appeal, accounting, and severability of the same; and other related matters.

10b. Public Hearing: Proposed Ordinance 14-19 amending various sections of Title Three of the Syracuse City Code pertaining to impact fees.

10c. Public Hearing: Proposed Resolution R14-27 updating and amending the Syracuse City Consolidated Fee Schedule by making adjustments to the Public Safety Impact Fees.

A staff memo from the Finance Director explained the City is currently in the process of evaluating and updating our impact fee plans for Syracuse City. This update is to our public safety impact fee plan.

Historically the City has charged a public safety impact fee. This update is a requirement of the impact fee law. The current impact fee we charge is \$225 per residential home. The revised impact fee plan calculates a gross fee of \$563 per residential home. The revised fee is offset with credits in order to avoid double payments given the outstanding debt for the fire and police stations. The net fee charged to new homes would escalate each year as additional debt is paid off and excess capacity is reduced. The impact fees for FY2015 would be \$141.80, FY2016 would be \$166.47, FY2017 would be \$191.92, and FY2018 would be \$218.12 and would continue to escalate up to the maximum fee of \$563 in FY2029 when the debt for the public safety buildings is paid off. Staff has provided an additional comparison of 17 other cities that charge a public safety impact fee. All of these cities charge different fees and some only charge a police fee or a fire impact fee. I have color coded and labeled those cities so you can make a fair comparison. Impact fees can be charged to new development to help pay a proportionate share of the cost of planned facilities needed to serve the growth and development of the city. Impact fees are allowed per Utah Code 11-36A. Under that code, there are two separate plans required in order to charge a public safety impact fee. They are the Impact Fee Analysis and the Impact Fee Facilities Plan. An impact fee enactment ordinance is also required.

According to Utah Code 11-36a-301:

*(1) Before imposing an impact fee, each local political subdivision or private entity shall, except as provided in Subsection (3), prepare an **impact fee facilities plan** to determine the public facilities required to serve development resulting from new development activity.*

According to Utah Code 11-36a-303:

*(1) Subject to the notice requirements of Section 11-36a-504, each local political subdivision or private entity intending to impose an impact fee shall prepare a **written analysis** of each impact fee.*

According to Utah Code 11-36a-401. Impact fee enactment.

*(1) (a) A local political subdivision or private entity wishing to impose impact fees shall pass an **impact fee enactment** in accordance with Section 11-36a-402.*

*(b) An impact fee imposed by an impact fee enactment may not exceed the highest fee justified by the impact fee analysis.*

*(2) An impact fee enactment may not take effect until **90 days** after the day on which the impact fee enactment is approved.*

The impact fee enactment is attached as Ordinance 14-18 and is accompanied by, Exhibit A –impact fee facilities plan, and Exhibit B – impact fee analysis. Staff has also included Ordinance 14-19 that amends sections of the Syracuse City municipal code; specifically Title III. I have included a redline document that shows the proposed changes. These ordinances can both be approved tonight along with the resolution for the consolidated fee schedule; however, there is a 90 day protest period before the ordinances and fee schedule would take effect. This would mean an effective date of December 8, 2014. The memo concluded by indicating staff recommends the City Council approve Ordinance 14-18 – impact fee enactment and approve Ordinance 14-19 – updating Title III related to impact fees. I also recommend the City Council approve resolution R14-27 updating the consolidated fee with the revised public safety impact fee amount. Staff also recommends that these ordinances and the consolidated fee schedule have an effective date of December 8, 2014.

Mr. Marshall reviewed his staff memo.

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Mayor Palmer convened the public hearing. There were no persons appearing to be heard and the public hearing was closed.

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Councilmember Lisonbee noted she is hesitant to change this impact fee at this time because she feels the change would hinder business development in the City. Councilmember Duncan agreed and noted he feels the City would lose more money because of lost development opportunities than would be gained by amending the impact fee. Councilmember Johnson agreed and stated the impact fee increase may have a psychological effect on businesses and he does not feel it is prudent at this time. He then referenced the proposed changes to the residential public safety impact fee and stated he is hesitant to approve a decrease that will ultimately impact the City's revenue stream. Councilmember Duncan agreed, but wondered if the City could face a legal challenge by charging residential fees that are higher than the recommendation of the impact fee study. Mr. Marshall stated he would recommend the Council adopt the resolution that adopts the impact fee analysis and plan and the City should not be charging more than is specified in that plan; he added the commercial fee could be set at a different rate as well as long as it is not higher than what is recommended in the impact fee study.

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Mayor Palmer asked how the City will make up the lost revenues associated with lowering the residential impact fee and not accepting the proposed commercial impact fee. He asked if it will be necessary for the citizens to make up the difference in property taxes. Mr. Marshall stated the proposed impact fees are based upon the impact to the City associated with the construction of new homes and businesses; the number is not exact and is only an estimate. If the new homes and businesses do not cover their impacts, it will fall to existing taxpayers to make up the difference. Councilmember Lisonbee stated that an alternative view is that raising impact fees could hinder business development, which will impact the City's sales tax revenue opportunities. Mr. Marshall agreed that both points of view can be correct.

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Councilmember Gailey referenced Mr. Marshall's compilation of the impact fees charged in other cities and stated he noticed there are some that do not charge a public safety impact fee. He asked why that is. Mr. Marshall stated he cannot answer that question.

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General discussion and debate of the impact fee proposal ensued, with Councilmember Peterson stating he is comfortable accepting the recommended rate for commercial development because he feels there are other ways to incentivize development that could compensate for the increased impact fee. Councilmember Duncan stated other cities are

geographically situated in a way that it is easier for them to attract businesses and Syracuse City needs to find another way to compete with those cities. Councilmember Peterson agreed and reiterated he feels the City can find other ways to incentivize. Councilmember Lisonbee stated that impact fees were the top issue during the 2011 election cycle and it was because Clinton City had lower impact fees and was able to attract many businesses that were considering moving to Syracuse. Councilmember Johnson agreed and stated Syracuse must have lower impact fees in order to attract businesses. Mr. Marshall pointed out that the study recommends a minimum commercial impact fee of \$0.11 per square foot with a maximum of \$0.38 per square foot.

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Councilmember Lisonbee stated she attended the SBOSS meeting today and there was much discussion regarding why it is so difficult for businesses to be successful in Syracuse. She feels one of the main reasons is that lease and rent rates for commercial space is so high; business owners will look at their bottom line when determining if they can locate in Syracuse and impact fees are calculated into that bottom line. She stated she would recommend maintaining the current commercial impact fee rate. Councilmember Peterson stated the proposed rate equates to only a couple hundred dollars for a large commercial development. Councilmember Johnson stated the dollar amount may be low, but he reiterated he feels a rate increase would have a psychological effect on developers and businesses. Councilmember Peterson stated he is concerned about passing the impacts on to existing residents. Councilmember Lisonbee stated the impact could be spread across many residents and should not be too impactful.

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Councilmember Gailey stated the idea is to charge for the true impact a business or residence will have on a community and when the discussion shifts to sales or property tax revenues, the point of impact fees has been lost. Councilmember Lisonbee agreed impact fees have been implemented to cover impacts, but they also give cities the ability to earmark the money from impact fees for certain costs. She stated she understands both sides of the argument, but she is hesitant to increase fees that could hinder commercial development, which is responsible for the majority of the revenue that funds the City's budget. Discussion regarding the actions to be taken by the Council this evening then ensued.

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COUNCILMEMBER GAILEY MADE A MOTION TO ADOPT PROPOSED ORDINANCE 14-18 AMENDING AN IMPACT FEE FACILITIES PLAN AND AN IMPACT FEE ANALYSIS FOR PUBLIC SAFETY; PROVIDING FOR THE CALCULATION AND COLLECTION OF SUCH FEES; PROVIDING FOR APPEAL, ACCOUNTING, AND SEVERABILITY OF THE SAME; AND OTHER RELATED MATTERS. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT PROPOSED ORDINANCE 14-19 AMENDING VARIOUS SECTIONS OF TITLE THREE OF THE SYRACUSE CITY CODE PERTAINING TO IMPACT FEES. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

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COUNCILMEMBER JOHNSON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R14-27 UPDATING AND AMENDING THE SYRACUSE CITY CONSOLIDATED FEE SCHEDULE BY MAKING ADJUSTMENTS TO THE PUBLIC SAFETY IMPACT FEES, WITH THE FOLLOWING AMENDMENT:

LEAVE THE COMMERCIAL IMPACT FEE AT THE CURRENT RATE.

COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER PETERSON, WHO VOTED IN OPPOSITION.

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11. Proposed Ordinance 14-23 amending Title 8 of the Syracuse City Code pertaining to the subdivision process.

A staff memo from Community Development Director Christensen explained The Planning Commission has been reviewing Title VII for the past few months regarding subdivision processes. The proposed amendments ensure that subdivision applications are not vested until they are seen by the Council at Preliminary Plat Approval. The process is also designed to be more efficient in the use of staff and Planning Commission time. The following reviews will take place:

Concept (sketch)	Development Review Committee
Preliminary	Planning Commission Recommendation (Public Hearing)
Preliminary	City Council Approval
Final	Planning Commission

Final City Council

The proposed ordinance reflects the recommended changes from the Planning Commission with regard the process and other minor amendments for clarity. The Planning Commission held public hearings on the proposed amendments on June 17, 2014 and again on August 5, 2014. At a public meeting on August 19, 2014 the Planning Commission recommended to the City Council the adoption of the proposed amendments.

Summary of Amendments

Various Sections Change the term Subdivider to Developer

- Section 8.10.020 Clarify that the plats should be prepared by a civil engineer and not a surveyor.
- Section 8.10.030 Bring the code into compliance with the State statute that does not allow bonding to 110%, only that a city may retain the last 10% of the bond for warranty.
- Section 8.10.50 Amends the section on park impacts to be in conformance with the new single park impact fee.
- Section 8.10.070 Provides a requirement for the number and spacing of stub roads required to adjacent undeveloped property
- Section 8.10.190 Amends the process for subdivision approval as follows:  

Concept (sketch)	Development Review Committee
Preliminary	PC Recommendation (Public Hearing)
Preliminary	City Council Approval
Final	Planning Commission
Final	City Council
- Section 8.15.010 Clarifies when a temporary turn-around is required on a stub street, length greater than 150 feet.  
Removes exceptions for dead-end street length over 500 feet
- Section 8.15.030 Requires developer to work with not only ditch companies but individuals who have private service connection ditches
- Section 8.20 Outlines procedures for Concept (sketch) review by the Development Review Committee (DRC)

Section 8.25 Outlines procedures for Preliminary Plat Review & recommendation to Council

The memo conclude the Syracuse City Planning Commission hereby recommends that the City Council approve the adoption of Ordinance 14-23, Amending Title X.

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COUNCILMEMBER LISONBEE MADE A MOTION TO TABLE CONSIDERATION OF PROPOSED ORDINANCE 14-23 AMENDING TITLE 8 OF THE SYRACUSE CITY CODE PERTAINING TO THE SUBDIVISION PROCESS. COUNCILMEMBER GAILEY SECONDED THE MOTION.

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The Council briefly reviewed the proposal to amend Title Eight, providing feedback to staff to consider prior to a more in depth discussion on September 23. Ms. Christensen stated she will provide an updated staff memo reflecting the amendments prior to the September 23 meeting.

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Mayor Palmer stated there has been a motion and second to table the proposed ordinance and he called for a vote; ALL VOTED IN FAVOR.

[8:09:46 PM](#)

12. Councilmember reports.

At each meeting the Councilmembers provide reports regarding the meetings and events they have participated in since the last City Council meeting. Councilmember Duncan's report began at [8:09:46 PM](#). He was followed by Councilmembers Lisonbee, Johnson, Gailey, and Peterson. Councilmembers indicated they had nothing to report.

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13. Mayor's Report.

At each meeting the Mayor provides a report regarding the meetings and events he has participated in since the last City Council meeting. Mayor Palmer's report began at .

[8:19:24 PM](#)

14. City Manager report

City Manager Bovero's report began at [8:19:24 PM](#).

At [8:24:54 PM](#) p.m. COUNCILMEMBER DUNCAN MADE A MOTION TO ADJOURN. COUNCILMEMBER LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR.

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Terry Palmer  
Mayor

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Cassie Z. Brown, CMC  
City Recorder

Date approved: October 14, 2014